

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**March 10, 2006**

<p><b>In the Matter of</b></p> <p><b>Petition of Progress Energy Carolinas, Inc)</b></p> <p><b>To Terminate Service</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>DOCKET NO. 2004-219-E</b></p> <p><b>MEMORANDUM IN SUPPORT</b></p> <p><b>OF MOTION TO CONTINUE</b></p> <p><b>DATE OF HEARING;</b></p> <p><b>EXTENSION OF TIME FOR</b></p> <p><b>FILING OF PLEADINGS</b></p>
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**MEMORANDUM IN SUPPORT OF MOTION TO CONTINUE DATE OF**  
**HEARING AND FOR EXTENSION OF TIME FOR FILING PLEADINGS**

**Introduction**

This Memorandum is submitted in support of respondent's accompanying Motion to continue Hearing date and extension of time to complete discovery, particularly in light of Petitioner's usual and customary continued evasions and refusals to comply with discovery process and ignore Respondent's requests.

Respondent received a letter from the Public service commission's ("PSC") Ms. Jocelyn G. Boyd, Deputy Clerk, dated March 9, 2006 regarding Respondent's motion dated February 28, 2006 to re-schedule the Hearing. Said Commission letter was transmitted by telefax by Ms. Colanthia Alvarez. See Exhibit B hereto.

The said letter requested a copy of the attachment to the motion documenting confirmation of Respondent's pending eye surgery on April 12, 2006 and post operation clinic procedures, issued by the surgeon's office at Medical University of South Carolina (MUSC) in Charleston S.C. on March 7, 2006 following Respondent's appointment on February 14, 2006. Respondent had requested this confirmation at an earlier

date for the Commission. See Exhibit A hereto, by reference made part hereof. It shows the medical appointments through May 16, 2006.

**Discussion**

As can be seen in Exhibit A, for the record, Respondent will be an "absent material witness" from the Hearing now scheduled April 13, 2006. **THUS PSC MUST CONTINUE THAT HEARING DATE "FOR CAUSE", PURSUANT TO SCRPC RULES 40 (f) (1) AND (2).**

For the record, several days after Respondent filed objections on religious (and other) grounds to the PSC's scheduled Hearing on the Passover and Easter religious holidays, traditionally observed by both the Jewish and Christian faiths, Respondent had a long standing appointment at MUSC in Charleston S.C. That appointment was with Respondent's physician from Duke University Medical Center Eye Clinic, who recently transferred to MUSC. Respondent continued to be his patient and under his care for medical services for Respondent's eye surgery.

During that appointment the medical decision was made that respondent should undergo another eye surgery to be performed by the Chief surgeon of the department. Dr. Howard was available on Wednesday, April 12, 2006 to perform the surgery.

Respondent fully expected that the PSC would not hold a Public Hearing on Passover and Easter, both nationally recognized religious holidays, and was confident that the Motion to Continue would be approved. Thus, Respondent agreed to the date of April 12, 2006 for the surgery and the pre and post operation procedure dates.

There will be post-operative surgery procedures and appointments up to and beyond May 16, 2006. Somewhat complicated and extensive pre-op procedures such as special diets, medications, and preparations are to commence early in April.

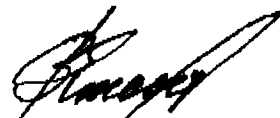
The attached medical and surgery schedule cannot be changed now. Perhaps the PSC will appreciate that medical appointments at DUMC and MUSC are not easily arranged and the waiting periods can be extensive. Thus a patient accepts appointment dates as they become available by the surgeon who is in great demand for his time and expertise. This will be the fourth eye operation since 2004, as documented for the file with the PSC.

**Conclusion**

Under the circumstances, the PSC should set the Hearing date at least sixty (60) days after the end of May, 2006. This has directly to do with the use of Respondent's eyesight. Respondent's vision has been seriously impaired by the problems Respondent has had with the Petitioner's continued and repeated refusals to accede to her numerous requests for adequate lighting on medical grounds, and the PSC's continued refusal to fulfill its statutory mandates in this matter.

DATED: Little Rock S.C., March 10, 2006

Respectfully submitted.



Beatrice E. Weaver, Respondent Pro Se